Kobe Seminar on International Law 2017

What Constitutes Treaty
in International Jurisprudence and State Practice

19 June 2017

Venue: Kobe University, Faculty of Law,
2nd Building, 3rd Floor, Middle Meeting Room

14:00-14:30	The Gordian Knot of the Definition of Treaty as Exemplified by the Jurisprudence of Courts and Tribunals *Malgosia Fitzmaurice* (Queen Mary University of London)
14:30-15:00	The Making of International Agreements in Practice: Cases and Criteria of Legally-Binding Agreements *Yusuke Nakanishi* (MOFA, Deputy Director, Treaties Division)
15:00-15:30	Discussion
15:30-15:45	Coffee break
15:45-16:15	Japan-South Korea Comfort Women Agreement: What was agreed with Legally Binding Force? *Dai Tamada* (Kobe University)
16:15-16:45	Japan-India Nuclear Cooperation Agreement and the Legal Nature of the Accompanying Note *Masahiko Asada* (Kyoto University)
16:45-17:15	Discussion
17:15-17:25	Concluding Remarks *Shigeki Sakamoto* (Doshisha University)

The definition of a treaty has been one of the most intriguing and complex aspects of the law of treaties. The very succinct definition contained in Article 2 (1a) of the 1969 Vienna Convention on the Law of treaties has been extensively debated by the ILC during its work on the codification of the law of treaties. This definition has been very substantively evolved through the judicial practice of international courts and tribunals, such as the ICJ and the ITLOS. There are multitude of cases such *as Aegean Sea Continental Shelf* case*; Qatar v, Bahrain*, *Bangladesh v Myanmar* and a very recent case *Somalia v. Kenya* which evidence the importance of a legal question of what constitutes a treaty under international law. The significance of such a definition is crucial in relation to the question of the jurisdiction of international courts and tribunals. There are very complex legal issues relating to a definition of treaty, such as the difference between the legally binding treaty and Memoranda of Understanding, soft law interments and unilateral acts of States.

No registration required.
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